GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri P. Udaya Bhaskar S/o P. Venkateswarlu, Madanapalle, Chittoor District under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes)-Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) against the proceedings, dated 18.05.2011 of the District Collector, Chittoor in cancelling his ST 'Yerukula' Community Certificate – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.27. Dated: 01.11.2021

Read the following:-

1. Proceedings of the District Collector, Chittoor District, No.D.Dis. C3/12353/2010, dated 18.05.2011.
2. Appeal Petition filed by Sri P.Udaya Bhaskar S/o P.Venkateswarlu, Occ: Conductor, APSRTC Depot-II, Madanapalle, Chittoor District before M (TW), No.212/M(TW) /2011, dt.06.07.2011.
3. Govt. Memo.No.9806/CV.2/2011, S.W.(CV2) Dept, dt.15.7.2011
4. Letter from the District Collector, Chittoor, Roc.C3/8350/2011, dt.28.08.2011.
5. Govt.Memo.No.9806/CV.2/2011,SW(CV2) Dept, dt.28.04.2012, 10.08.2015, 24.01.2019, 09.10.2019, 13.11.2019 & 08.07.2021

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ORDER:

In the Proceedings 1st read above, the District Collector, Chittoor District has issued orders cancelling the ST 'Yerukula' Community Certificate issued to Sri P. Udaya Bhaskar S/o P. Venkateswarlu, Madanapalle, Chittoor District.

2. Sri P. Udaya Bhaskar S/o P. Venkateswarlu has filed Appeal Petition before the Government against the Proceedings of the District Collector, Chittoor District duly submitting grounds in support of his claim of ST 'Yerukula' Community Certificate with a prayer to set aside the proceedings of the District Collector, Chittoor District dtd:18.05.2011. After examining the said Appeal Petition, Government while admitting the same and granting stay on the operation of the District Collector, Chittoor, have called for the Para-wise remarks on the grounds filed by the Appellant along with connected records from the District Collector in the Memo 3rd read above.

3. In the letter 4th read above, the District Collector, Chittoor has furnished para-wise remarks along with connected records on the Appeal Petition filed by Sri P. Udaya Bhaskar S/o P. Venkateswarlu.

4. The said Appeal Petition has been posted for hearings on 10.05.2012, 09.02.2019, 19.10.2019, 24.07.2021, 23.08.2021 before the Hon'ble Appellate Authority duly informing the same to the Appellant and the Counsel for the Appellant in the Memo 5th read above. Despite the service of notice, the appellant and his counsel have not attended the said hearing on 23.08.2021 and there is no representation. As it is a long pending case, the case is treated as heard by the appellate authority. On perusal of the records/ the copies of evidences/ academic record/ grounds filed by the Appellant and the para-wise remarks submitted by the District Collector, Chittoor as well as proceedings of the District Collector, Chittoor, dated 07.01.2009, the Appellate authority has observed that;

I. The grounds put-forth by the appellant in support his claim of ST 'Yerukula' community is as follows:

a) The order passed by the District Collector and District Magistrate is contrary to law, weight of evidence and probabilities of the case.

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b) The alleged enquiry conducted by the Secretary, District Level Committee is behind the back of the appellant.

c) The learned District Collector ought to have seen that in his Transfer Certificate issued by the Head Master clearly shows in proper column No.5 that he belongs to Yerukula by caste.

d) The MRO without visiting the Veligallu village and without enquiry about the Transfer certificate issued by Head Master, Z.P High School, Veligallu submitted a false report.

e) While the appellant present before the 2nd respondent committee, he pleaded that he belongs to Yerukula caste and his wife belongs to Balija OC and informed about their inter-caste marriage.

f) Only basing on a complaint from C.Ravi, the Secretary of the SC & ST Welfare Association, APSRTC, matter was referred to Revenue Divisional Office as the said Ravi developed grudge against the appellant, as the appellant not co-operated in their Union elections.

g) The report of the Mandal Revenue Officer was not given to the appellant and in judgment of Honorable High Court of A.P., D. Bharathuruhari Vs the Commissioner of Social Welfare, Hyderabad clearly indicates without supply of report and other documents it is a violation of principles of natural justice.

h) The other grounds would be urged at the time of hearing.

II. The District Collector, Chittoor has furnished the following remarks on the above grounds as follows:

1. There is no controversy with Acts and rules in force, in canceling the caste certificate (ST-Yerukula) issued to the petitioner in C.No.2786-03, dt 2.4.89, by the then MRO, Madanapalle. The orders passed by the District Collector, Chittoor proceedings No.C3/12353/2010, dt: 18.5.2011 is as per rules in force.
2. The enquiry was conducted in the native village of the appellant, i.e., in Kothapeta, H/o CTM village of Madanapalle Mandal. The Tahsildar along with the Revenue Inspector and the Village Revenue Officer concerned has conducted enquiry and submitted his report. Basing on the reports obtained from the RDO, Madanapalle and Tahsildar, Madanapalle, the DLSC has issued notice in Form VI to the petitioner to appear for the enquiry and passed such findings. The contention of the petitioner that the enquiry conducted by DLSC is behind the back of the appellant is not correct.
3. The appellant not belongs to "Yerukula" caste and they are belonged to "Balija – OC" caste since their ancestors and the same clearly shows in all aspects. The appellant does not know and not followed any traditions in the Yerukula caste, the appellant, his family members, his relatives and their ancestors are following only the traditions of Balija. Except his school records, basing on which the appellant obtained the caste certificate from the Tahsildar with the help of his brothers who are working as Government teachers, there is no any documentary proof in respect of his caste. His wife belongs to Balija OC and hence the caste certificate of the appellant is a false one. Hence the proceedings issued in D.Dis.C3/12353/2010 dated 18.5.2010 correctly issued to the appellant as the appellant has obtained the caste certificate by mis-representing the Revenue Authorities.
4. The District Collector on receipt of written complaint from any person or has otherwise reason to believe that a person not belonging to such caste/tribe, shall refer the case to the Chairman, DLSC i.e., Joint Collector of the District for enquiry into such cases as per rule 9 of AP SC, ST, BC – Issue of Community/ Nativity and Dated of Birth Certificate Rules 1997. The matter was referred to the Tahsildar, Peddathippasamudram and Revenue Divisional Officer Madanapalle and accordingly they have conducted enquiry on the caste status of the petitioner. Basing on the reports, the material available on record , findings of the DLSC, the 1st respondent, i.e., the District Collector has passed orders to cancel the caste certificate issued to the petitioner in Lr. Dis.1554/87, dt: 14.10.1987, by the then MRO, Peddathippasamudram. Hence the contention of the petitioner that the orders were passed without making enquiry is not correct.

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5. The contention of the petitioner that, no opportunity was issued to him to prove his case is not correct. It is submitted that, the appellant present before the 2nd respondent's committee on 24.11.2010 after receiving the form VI notice, but the appellant failed to submit any evidence in support of his contention and he simply stated that he is Yerukala caste and his wife belongs to Balija OC and their marriage is inter caste marriage.

   The appellant is a permanent resident of CTM village of Madanapalle Mandal, Chittoor district and he secured the job as a conductor in APSRTC, Madanapalle-II depot by obtaining the Scheduled Tribe(Yerukala) Certificate, in fact he belongs to Balija OC by caste. The appellant stated that his father P.Venkateshwarlu is native of Tanakallu village, Voyalpadu Mandal and he was a tailor and got married to Smt P. Thulasamma, who is a native of Kothapeta and settled at Kothapeta, CTM, Madanapalle Mandal and his father belong to ST- "Yerukula" caste and he is the only son of his father. In fact, he is not only son to his father there is one daughter born to his father, i.e., Alivelamma, W/o Narayana, who is Balija OC by caste. while admitting the appellant, his caste was intimated to the school authorities as Yerukula – ST. Except the school records, there is no any documentary proof furnished by the appellant to show that, he belongs to Yerukula ST by caste. Basing on the school records only, he obtained the ST caste certificate from the Tahsildar.

6. It is not true that, one Sri C.Ravi, Secretary of SC and ST Employees Welfare Association, APSCRTC has given complaint to the revenue officials, but the further allegations are not known about the grudges between the complainant and the appellant. The enquiry was conducted by the Tahsildar, Peddathppasamudram and Revenue Divisional Officer, Madanapalle in the native village of the petitioner viz., Kandukuru. The meti ryots of the villages as well as his own brothers were enquired in the matter. Hence, the contention of the petitioner that the enquiry conducted behind the back of the appellant is not correct.
7. The respondents have given reasonable opportunities to the appellant to establish his contention, but the appellant failed to produce any documentary evidence except the transfer certificate and caste certificate which are manipulated with the help of his brothers who are working in Education Department as Head Master and Teacher, succeeded in entering the caste of the appellant in the school records as ST Yerukula. But as per the physical enquiry of Tahsildar, Peddathippasamudram and RDO, Madanapalle in the native village of the appellant viz., Kandukuru and at that time, the meti ryots of the village as well as his own brothers were examined and they have clearly stated that the appellant, his brothers, sister and his family members hails from Balija – OC caste.
8. During the local enquiry conducted by the Village Revenue Officer concerned and the Revenue Inspector, it is revealed that, though the candidate Sri R.Subbarayudu and his wife were informed to attend the enquiry, they have not attended. The enquiry conducted in the village reveals that, the entire family of the petitioner belongs to "OC – Balija" caste. The meti ryots have also deposed that, they belongs to "OC-Balija" caste.

   The District Collector, Chittoor has reported that in view of the above facts, the appeal petition filed by Sri P.Udaya Bhaskar S/o P.Venkateswarlu, Madanapalle, Chittoor District before the Government against the orders of the District Collector, Chittoor District, dated: 18.05.2011 and the appeal petition is liable to be dismissed.

III. During the course of hearing of the case, the Appellate Authority has observed that;

1. The appellant submitted his arguments as per his grounds in appeal petition and has stated that the lower authority failed to consider the documents

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more particularly with regard to his TC of the High School filed by him and if the same is consider that it can be concluded that he is entitled the ST community certificate.

2. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record, it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he belongs to ST Community and moreover that the lower authority carefully consider all the documents produced by the appellant and came to a conclusion that the appellant does not belongs to ST community.
3. As per the Act that the burden of proving that the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the lower authority.
4. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference and accordingly the Proceeding of lower authority is hereby upheld and the appeal petition is hereby dismissed.

5. The Government, after careful examination and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act,1993 (Act No.16 of 1993), decide that the appeal petition filed by Sri P. Udaya Bhaskar S/o P. Venkateswarlu, Madanapalle, Chittoor District does not deserve any interference, hence, the same is hereby dismissed, upholding the proceedings of the District Collector, Chittoor district, in No.D.Dis.C3/12353/2010, dated 18.05.2011 and the caste certificates issued by the then Tahsildar, Madanapalle, is deemed to be cancelled.

6. The District Collector, Chittoor is directed to take necessary consequential action in the matter.

7. The records (D.Dis.C3/12353/2010, dtd:18.05.2011, containing pages (CF: 1 to 100) received from the District Collector, Chittoor through in the reference 4th read above, are returned herewith in original to the District Collector, Chittoor district and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, Chittoor.(w.e)
(With original records) (BY RPAD)

The MRO, Madanapalle. Chittoor District (with a request to serve the copy to the petitioner and return the served copy to the Government.)

Sri P.Udaya Bhaskar S/o P.Venkateswarlu,
Occ: Conductor, APSRTC Depot-II, Madanapalle, Chittoor District.

Sri D. Kodanda Rami Reddy, Advocate,
Office 444, Income Tax Colony, Mehidipatnam, Hyderabad-500028.

Copy to :
The OSD to Hon'ble Deputy CM(TW).
The PS to Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER